

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

M E M O R A N D U M

Honorable John A. Mendez
United States District Judge
Sacramento, California

**RE: Michael HATTEN
Docket Number: 2:02CR00047-02
RELEASEE'S MOTION FOR
EARLY TERMINATION**

Your Honor:

LEGAL HISTORY:

On March 27, 2003, the above-named was placed on Supervised Release for a period of 5 years, which commenced on August 6, 2010. Special conditions included: Warrantless search; Financial disclosure and restrictions; Substance abuse treatment, testing, and co-payment; Personal device restrictions; Drug offender registration. In addition, Mr. Hatten was ordered to pay a \$100 special assessment fee, which has been satisfied.

SUMMARY OF COMPLIANCE:

Mr. Hatten has made an acceptable adjustment to his term of Supervised Release thus far. As noted above, he was ordered to participate in drug treatment and testing, which he successfully completed without incident. Likewise, he seemingly has refrained from the use of illicit drugs, and from all indications, has refrained from criminal activity. Moreover, Mr. Hatten has maintained a stable residence with his daughter in Sacramento, and reports a source of income generated through his winnings as a professional poker player (which he reports annually to the Internal Revenue Service).

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RECOMMENDATION:

Mr. Hatten should be commended for his progress since the commencement of supervision; however, it is the position of the U. S. Probation Office that Supervised Release is part of the criminal sanction designed, in part, to impress upon the offender the consequences of his actions and deter him from further crimes. Therefore, the mere fact that the offender has adjusted well and has complied with the terms and conditions of supervision is not the sole consideration as an adequate justification for early termination. In our opinion, some special hardship should be shown which has the effect of rendering the sentence more onerous than contemplated by the Court at the time the sentence was imposed.

Taking into account the offender's extensive criminal history and past drug use, the probation officer believes it is more prudent to continue Mr. Hatten on Supervised Release in order to better assess his progress and true intentions to refrain from any further criminal activity. If Mr. Hatten continues to evidence positive progress, the probation officer has no objection to reconsidering his request after completion of at least one more year of Supervised Release.

The true litmus test for Mr. Hatten will be to continue to demonstrate that he has the ability to maintain a law-abiding lifestyle while pursuing his goals. The undersigned believes he can successfully do both while under the watchful eye of the probation office; and that ultimately, his supervision status will not interfere with his endeavors.

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Respectfully submitted,

/s/ Vladimir Pajcin

VLADIMIR PAJCIN
United States Probation Officer

Dated: January 11, 2012
Roseville, California
VP:cd

REVIEWED BY: /s/ Kyriacos M. Simonidis
KYRIACOS M. SIMONIDIS
Supervising United States Probation Officer

cc: Carolyn K. Delaney
Assistant United States Attorney

Jeffrey L. Staniels
Senior Assistant Federal Defender

jam Motion To Terminate Supervised Release is DENIED.

AGREE: ☒

DISAGREE: ☐


JOHN A. MENDEZ
United States District Judge

1-11-2012
DATE